



APPENDIX

TO THE

LONDON MAGAZINE.

MDCCXLV.

JOURNAL of the PROCEEDINGS and DEBATES in the POLITICAL CLUB, continued from Page 591.

The next Speaker in the Debate continued in your last, was Q. Fabius Maximus, who spoke, in the Character of the L. B—th—rt, to the Effect as follows, viz.

My Lords,



HE Opinions of the Merchants examined at our Bar upon this Subject, were so very different, and the Arguments

made use of in this long Debate, seem to me to be on both Sides so weighty, that I cannot say I am for or against the Question now before you. Some new Regulations ought, I think, to be made for recovering the *Turky* Trade, if possible; but whether the Regulations proposed by this Bill be the most proper, is a Question I cannot as yet determine. That the *French* sell

their Manufactures in *Turky* cheaper than we sell ours, is, I think, certain, both from the Success of their Trade, and from the Testimony of all the Witnesses that were examined

A at our Bar; but whether this proceeds from the Cheapness of Labour in *France*, and the Conveniency of their Ports, or from their Merchants being willing to trade at a less Profit than our Merchants will, is a Question that requires, I think, a much B stricter Scrutiny into the Nature of that Trade, than has hitherto been made, and, indeed, a more strict Scrutiny than is possible for this House to make. Perhaps the Dearness of our Manufactures in the *Turky* Market, as well as all other C foreign Markets, may proceed from our expensive Method of carrying on Trade, and the great Number of intermediate Persons that are employed between the Manufacturer

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and Consumer, every one of whom must have such a Profit as may enable him to live and thrive by his Business. In the first Place, there is the Master Manufacturer, who hires the Spinners, Weavers, and other poor Labourers employed in the Fabrick: Then there is the Master Dyer, who hires all the poor Labourers employed in dying: Next there is the *Blackwell-Hall* Factor, who is a Sort of Broker between the Master Manufacturer and the Merchant Exporter, and the Packer, who packs up the Goods for Exportation: After these comes the Merchant Exporter and his Factor abroad, who again must employ a Broker, to find out Purchasers for what Goods are consigned to him, and these Purchasers are generally foreign Shop-keepers or Dealers, who retail the Goods to the foreign Consumers.

Thus your Lordships may see, what a Number of intermediate Persons there are between the poor labouring Manufacturers in England, and the foreign Consumers. All of these must have such a Profit as may enable them to live and thrive by their Business; and this must very much enhance the Price of all our Manufactures to the foreign Consumer. The French, in their Method of carrying on Trade, must certainly have some of these; but, I believe, they have not such a Number as we have: Particularly, I believe, they have not such a Thing as a Packer, or a *Blackwell-Hall* Factor; and if we could, by any Means, alter the Method of our Trade, so as to get rid of some of these intermediate Persons, our Manufactures would, certainly, come cheaper to the foreign Consumer, and, consequently, we should find a greater Vent for them in foreign Markets. These intermediate Persons between the labouring Manufacturer or Mechanick and the Con-

sumer, the famous Mr. *Locke* calls by a general Name, Brokers; and it is his Opinion, that Trade will always thrive best in that Country where fewest of them are employed. Whether it be possible to diminish the Number of them in this Country I cannot determine; but it is a Question that deserves Consideration, and ought to be strictly inquired into, I think, before we pass any such Bill as this, which has now been twice read by your Lordships. For this Reason, I think, we should neither give ourselves the Trouble of considering the Bill in a Committee, nor should we absolutely reject it; therefore, the best Way will be to drop the Bill softly, by Means of the previous Question; and if your Lordships agree to this, I shall then move for an Address to his Majesty, that he would be graciously pleased to order the Board of Trade to inquire into the *Turkey* Trade, and into the Methods that may be most proper for its Revival, that their Report may be ready to be laid before this House the next Session of Parliament.

Upon this, A. Posthumus stood up again, and in the same Character as before, spoke in Substance thus.

My Lords,

I Beg Pardon for giving your Lordships a second Trouble in this Debate, but I must declare against what the noble Lord has been pleased to propose, and when he hears my Reason, I hope, he will excuse me. My Reason is in short this: It would, in my Opinion, put an entire Stop to our *Turkey* Trade, and consequently ruin it, perhaps, past Recovery. If we should drop this Bill by the previous Question, and then agree to the Address proposed, every one would from thence suppose, that we should again have the Affair under our Consideration in the next Session

Session of Parliament, and that we might then make such Regulations, as would entirely alter the State of that Trade. Till then, every Man would be in Suspence, and during that Suspence, neither the Company, nor any Member of the Company, would send any Goods to *Turky*, or bring any Goods from thence; so that for one Year at least, there would be an entire Stop to the Trade, and in that Interval the *French* might fix themselves so much in every Branch of it, that it would be very difficult, if not impossible, for us to move them.

This, my Lords, would, in my Opinion, be the certain Consequence of what the noble Lord has been pleased to propose, and therefore, I am for our coming to an immediate Determination. I shall agree to drop the Bill as softly as you please, but then, I am for having it dropt in such a Manner, as to leave no Room for any Man to suppose, that the Affair will soon come again under the Consideration of Parliament, or that the Parliament will either dissolve the Company, or lay the Trade under such Regulations as the Company do not approve of. If the Company have been guilty of any Misconduct, and if this Bill be proper for rectifying their Mistakes, let it be passed into a Law; but if neither of these be the Case, let it be rejected, and the Affair thereby finally determined. I will go farther, my Lords, I will say, if it does not evidently appear to us, that the Company have been guilty of Misconduct, we ought not to desire any farther Inquiry into the Trade, either by Parliament, or by the Board of Trade. Such Inquiries always interrupt the Trade during the Time of their Continuance, and ought therefore never to be entered into, without an apparent Necessity. Where there is a Company, and that Company appears to have been honest

and fair in all their Proceedings, they must be allowed to be the best Judges of what Regulations may be proper for carrying on or improving the Trade; and if any new Regulations should be thought necessary, which required the Aid of Parliament, it must be supposed, that the Company it self would apply to Parliament for that Purpose. As there has been no such Application upon this Occasion, as the Bill now before us was founded only upon Complaints against the Company's Conduct, and as those Complaints have all, in my Opinion, appeared to be groundless, I can see no Reason why we should desire to give the Board of Trade any Trouble in this Affair, because if any new Regulations should hereafter be thought on, for improving our *Turky* Trade, and those Regulations should be such as required the Aid of Parliament, the Company will certainly apply to us for that Purpose, and such Regulations we may consider and agree to without any Report from the Board of Trade.

I know, my Lords, how general the Opinion is, that Trade ought to be free: That it will find its own Channel; and that it will prosper best, when you leave it to its natural Course. But this, like most other general Rules, has some Exceptions: There are some Branches of foreign Commerce that must be kept under Regulations; and that the *Turky* Trade is one of these, we may be convinced by the Success of the *French Turkey* Trade, which has always been kept under very many and very strict Regulations. It has always been in a great Measure confined to the single Port of *Marseilles*: At least with Regard to Cloth, it can be exported to *Turky* from no other Port in *France*; and even their Cloth Manufactures are subject to Inspection, and kept under several strict Regulations. The *French* Fac-

tors in *Turky* must sell their Cloth at a certain Time, at a certain Price, and in a certain Proportion, all fixed by a general Agreement; and even some of their Returns, particularly the Wool they purchase at *Constantinople*, must be bought in the same Manner, the Reason of which is, lest by bidding upon one another they should raise the Price of that necessary Commodity. To these I shall add, that the *French* are so far from giving a general Licence, that no Man can go to settle as a *French* Factor or Merchant in *Turky*, without a particular Permission from their Government for that Purpose. I could mention several others; but these will shew, that the *French Turkey Trade* has always been kept under Regulations, and many more than ours ever was subject to. It is not therefore Regulations, but improper Regulations that can hurt any Branch of Commerce, none of which, our *Turky Trade* can be said to be subjected to by the Company's Charter; and if it has been subjected to any improper Regulations by the By-Laws of the Company, the Company can, and certainly will alter them as soon as they are found to be so; for it is not to be supposed, that any Set of Merchants will knowingly and wilfully ruin the Commerce they have been brought up to, and consequently the only Commerce they can safely engage in.

I am therefore, my Lords, for Leaving the *Turky Trade*, entirely to the Care of the *Turky Company*, because, I am convinced, they will, if they can, find out proper Methods for recovering the Trade; and if they cannot, I am afraid, we must sit down with the Loss; for if those, who have been bred up to the Trade from their Infancy, cannot find out proper Methods for its Recovery, it will not, I am persuaded, be in the Power of the Board of Trade, or even of the Parliament it self, to

find out or apply any Method for that Purpose. By our intermeddling officiously, at the Desire of those, who have no Concern in, and are consequently ignorant of the Nature of the Commerce, we may accelerate, I am sure we cannot prevent, its Ruin. This, I am fully convinced, would be the Consequence of what is now proposed, and therefore I am against the Bill; but as some Lords seem inclined to have it dropt softly, I shall so far concur with them, as to move your Lordships to adjourn the Debate for a Month.

The last Speech I shall give in this Mercantile Debate, was that made by Junius Brutus, who stood up again, and in the same Character as before, spoke to this Effect:

My Lords, FOR as much as I differ from the noble Duke, in my Opinion of this Bill, and the Consequences it may have upon our *Turky Trade*, I shall concur with him in desiring to have the Affair now determined, because the Trade is already come to such a low Pass, that it can admit of no Delay, and because, I am thoroughly satisfy'd, that without this, or such a Bill as this, nothing effectual can be contrived for the Recovery of that Trade.

Now I am up, my Lords, I shall beg Leave, to make a few Observations upon what was said by a noble Lord, who spoke some Time ago against the Bill, and by the noble Duke who spoke last. In order to shew, that there is no Monopoly in our *Turky Trade*, the noble Lord was pleased to tell us, that there are in *London*, that is to say, in this Kingdom, for there are none any where else, about 40 different Houses concerned in the *Turky Trade*. Now, whatever his Lordship may think of this Piece of Information, it is

to me one of the strongest Arguments for proving that our *Turky* Trade is, and has been for many Years, under a Monopoly, for otherwise there would certainly have been a much greater Number of Houses concerned in that Trade, and there would have been *Turky* Merchants at *Bristol*, *Liverpool*, and other Out-Ports, as well as at *London*. Surely, your Lordships, may conceive, that 40, or even 50 Merchants may easily enter into a Combination to monopolize any Branch of Trade to themselves, and to put what Prices they please, both upon their Exports and Imports: Nay, if they can by any Means exclude others from the Trade, it is from the Nature of Mankind almost certain, that they will do so; and the Means made use of by the *Turky* Company for excluding others from the Trade is evident; for after having, by their By-Law, put it out of the Power of any Merchant to send Goods to *Turky*, or bring Goods from thence, in any other than the Company's Ships, as the Managers of the Company had the Direction of those Ships, both as to the Time of their sailing, and as to whose Goods they should take on board, it is evident, that no Merchant could, from that Time, carry on any Trade to *Turky*, unless he was in Concert with the Managers of the Company, for otherwise he could not know when, or what Quantities of Goods he could send out, nor when or what Quantities of Returns he could get home; and under such Uncertainties, would any Man in his Senses attempt to carry on any Trade?

This, my Lords, is evident from the Nature of Things, and is confirmed by Experience; for, ever since that By-Law was made, at least, ever since the Design of it became manifest, very few, not above four in a Year, have been admitted to the Freedom of that Company, as we

may see by their Books; and upon Examination we shall find, that those who have been from Time to Time admitted, were the Friends or Relations of those who were the managing Directors at the Time; consequently we may suppose, they were admitted into the Combination, before they were admitted into the Company. We shall therefore do no great Injury to that Company, by reducing the Fines to be paid upon Admittance, because they cannot pretend to have made any considerable Advantage by those Fines, for above these thirty Years by-past; and there is not the least Shadow of Reason for pretending, that by this Bill, any other Injury is to be done to the Company, or to any Man concerned in it, unless it be called an Injury, to put it out of a Man's Power to ruin his Country, by monopolizing any Branch of its Commerce.

That a Monopoly must ruin any Branch of Trade, in which we can be rivalled by Foreigners, has never been so much as doubted of, by those who understand any Thing of the Nature of Trade; and that our *Turky* Trade has been ruined by the Monopoly, which the managing Directors of that Company acquired, by Means of their By-Law, and the Power they had over the Company's Ships, is apparent from the History of that particular Trade, as well as from the Nature of Trade in general. When we first set up the *Turky* Trade, we had most formidable Rivals, the *Dutch*, to deal with, who had the Advantage of being established in the Trade, before we began to enter into it; yet by the natural Advantages this Nation is indued with, we beat them almost entirely out of the Trade, before this By-Law was made, and a Monopoly thereby set up; and indeed, it would have been ridiculous for the managing Directors to have thought of a Mo-

Monopoly, as long as they had the *Dutch* for their Rivals, because they could not make the Use commonly made of all Monopolies, that is, to exact an extravagant Profit upon the Sales both of their Exports and Imports. But after the *Dutch* had in a great Measure given up the Trade, as we had then no other formidable Rival; the managing Directors of our *Turky* Company, began then to form the Scheme of getting a Monopoly of the Trade into their own Hands, and for this Purpose, they got the Company to make the By-Law, for restraining their Members from sending out, or bringing home any Goods except in the Company's Ships, which, of Course, gave them a Monopoly of the Trade, and enabled them to sell both their Exports and Imports at an extravagant Profit.

What was the Consequence, my Lords? The *French*, who knew the high Prices our Merchants exacted upon the Goods they sold, both in *Turky* and in *Europe*, considered that they might reap a great Advantage to themselves, and procure a most considerable Benefit to their Country, by undertaking this Trade, and underselling our Merchants. This first encouraged them to make the Experiment, and as soon as they got rid of the War in Queen *Anne's* Time, they set about the *Turky* Trade with great Industry and Application; so that, in a very few Years, notwithstanding our natural Advantages, as well as the Advantage of being established in the Trade, they became formidable Rivals to us in that Trade, and this chiefly enabled them to become our Rivals likewise in woollen Manufactures. If there had been no Monopoly in our *Turky* Trade, the *French* would never have thought of, much less succeeded in becoming our Rivals, and if the managing Directors of our Company had been touched with

any Compassion for their Country, they would have resolved to give up their Monopoly, or at least to sell at as small a Profit as possible, as soon as they found the *French* beginning to interfere with us in the Trade; but from the Continuance of this By-Law, and from the Success of the *French*, it is plain they did neither; and therefore, I was surprised to hear the noble Duke talk of our not supposing, that any Set of Merchants will knowingly and wilfully ruin the Trade they have been brought up to; for the Supposition is not only founded upon a certain Fact, but upon common Reason. A Man of an avaritious Temper has no Regard for his Country, and therefore does not trouble his Head about what may become of the Trade he has been brought up to, after he is dead, or has made his Fortune by it; which was perhaps the Case of those, who were the managing Directors of our Company, when the *French* began to interfere with us. They considered, that by selling at their wonted high Prices, they might make their Fortunes, or be dead, before the *French* could entirely beat us out of the Trade, and they gave themselves no Trouble about what might become of the Trade afterwards. This, I say, was perhaps their selfish Way of thinking; but whether it was or no, it is so far from being impossible to suppose it was, that I wish it may not be the Way of thinking amongst some of the Company now.

Thus, my Lords, from the History of our *Turky* Trade it appears, that before this By-Law was made, we were so successful as to beat the *Dutch* out of the Trade, but that since this By-Law was made, we have been so unsuccessful as to be almost beat out of the Trade by the *French*; therefore, I think, it is evident, that by this By-Law, and the Mo-

Monopoly which has been the Consequence of it, the Trade has been undone. The Discovery of the Disease, we are told, is half the Cure. We have, I think, plainly discovered the Disease that has brought our *Turky* Trade almost to its last Gasps: It is this Monopoly which the managing Directors of the *Turky* Company have enjoyed; that is the Disease under which that Trade labours at present, and can we trust to those very Directors the Cure of that Disease? They may, 'tis true, my Lords, repeal the By-Law they have made; but ought we to trust to that, now when the Trade is so near expiring? And suppose they should repeal that By-Law, may they not fall upon other Ways for preserving the Monopoly they have acquired? Surely they may, if we do not put it out of their Power by Act of Parliament. We now see what they have done, we may from thence judge what they will do, if we give them Leave. They have not, indeed, pilfered and pillaged the Company, as the Directors of some other Companies have done; but can it be said, that all their Proceedings have been honest and fair, when we consider the natural Tendency of this By-Law, the Use that has been made of it, and the frivolous Pretences that even before your Lordships have been insisted on, for shewing the Necessity of their making such a By-Law?

But, my Lords, tho' the Monopoly, which the managing Directors of the *Turky* Company have acquired, by Means of this By-Law, be evident from the Consequences, and from the present State of the Company as well as the Trade, yet the noble Lord who spoke against the Bill, undertook to prove, that there never was any such Monopoly. This Monopoly his Lordship rightly said, could not be established without a Combination of some, or of all those

that then were of the Company. If of some, said his Lordship, it must have been discovered by the other Members, and complained of to Parliament. My Lords, we all know the Trouble, Expence, and Danger of carrying any Complaint against a Company before either House of Parliament: A single Man, or a few Men, will never venture upon such a Thing, and it is very difficult to get a great Number to concur in the Complaint, much more to get them to contribute to the Expence; therefore, if there never had been any such Complaint, it would be no Proof, that there never was any such Combination. But I must put his Lordship in Mind, that, in the Year 1718, a Complaint against the Directors was actually brought into Parliament, by no less than seven of the Members of the Company, and that Complaint met with so bad Success, that I do not wonder at there never having been any since, especially as the Company appeared to be so much in Favour with the Legislature, as to obtain, in a Year or two after, an Act of Parliament for restraining the Importation of raw Silk or Mohair Yarn from *Italy*, which seemed to be a legislative Approbation of the Monopoly the Directors had acquired. My Surprize therefore is not, that we have had no Complaint since that Time, but that we have one now, and this, I am convinced, will be the last, because, if it should prove fruitless, the Trade will in a few Years be utterly and irretrievably undone, and when this happens to be the Case, I believe, no Set of Merchants or Manufacturers will think it worth their while to complain of the Management of the *Turky* Company.

Another Argument made use of by the noble Lord for proving, that there was no Monopoly in our *Turky* Trade, was this: His Lordship told

us, that we had 23 different Houses in the several Scales of the *Levant*, and that those Houses are often at great Enmity with one another. My Lords, who are the People settled in these Houses? They are the Factors, the Servants of the Company: It is not they that carry on the Monopoly: It is their Masters here, and they must exactly follow the Directions they receive from their Masters. It signifies nothing to the Argument, whether they be at Enmity or in Friendship with one another; and if their Masters were sometimes at Variance with one another, it would be no Proof of their not being in a Combination to monopolize the Trade. There is nothing more common than to see two of a Trade go by the Ears together about their particular Concerns, and yet cordially join in promoting the general Interest of the Trade. Even Highwaymen sometimes fall out about dividing the Spoil; but if a new Prey appears, they put off their Quarrel, and join in robbing the Passenger. Therefore, neither of his Lordship's Arguments can in the least contribute towards proving, that there is no Monopoly in our *Turky Trade*; and the Decay the Trade is now in, is, I think, a convincing Proof that there is.

I shall grant, my Lords, that the *French* have some Advantages, with regard to the *Turky Trade*, which we have not, but the Advantage we have of our Wool is much superior to all the Advantages the *French* enjoy; and when the *French* Manufactures and *Turky Trade* were first set up, we had the further Advantage of having been long established in the Possession of both. Their Port of *Marseilles* is nearer, 'tis true, and more convenient for exporting Goods to *Turky* than any Port we have; but as most of their Returns must be again exported, because few of them can be sold in *France*, the Port of *Marseilles* is very inconvenient, and at a

great Distance from any Place those Returns can be exported to; and if any of our Manufactures are loaded with the Expence of a long Land Carriage to *London*, it is owing to our Company's By-Law for preventing the Exportation in any but their Ships, because we have Ports as near the Seat of our Manufactures as *Marseilles* is to any of the Manufactures of *France*.

As to the Price of Labour, my Lords, it is a Mistake to say, that it depends upon the Plenty or Scarcity of Money in a Country, for in *China* and the *East Indies* the Labour of the Poor is cheaper than any where in *Europe*, and yet they have in those Countries a much greater Plenty of Gold, Silver, and Jewels, than we have in any Part of *Europe*: The Price of Labour depends chiefly upon the Price of Provisions, and the Plenty or Scarcity of Labourers, in both which we have the Advantage of *France*, because the Necessaries of Life are cheaper, and more plenty here than they are there; and as we have been much longer established in the woollen Manufacture, we must have a greater Plenty of Labourers; consequently, I cannot believe, and I have never heard any satisfactory Proof, that the Price of Labour is higher in *England* than it is in *France*, if we make the Comparison between the remote Counties in both Kingdoms; for that the Price of Labour is higher at *London* than in the South of *France*, I do not in the least question; but none of our woollen Manufactures are made at *London*, therefore this is not a just Comparison, because the Comparison ought to be made between the manufacturing Counties in both Kingdoms; and if such of our Taxes, as affect the Necessaries of Life, or the Materials for Manufacture, could be abolished, which I have always aimed at, I am persuaded we should, in this Respect, have, very soon, a

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considerable Advantage over our Rivals the *French*.

Lastly, my Lords, as to the Temptation our Merchants have, from the Interest and high Credit of our Funds, to draw their Money out of Trade, unless they can trade at great Profit, I shall grant, it is a Misfortune to our Trade, which I wish we could get rid of; but this Misfortune affects the Trade of *France*, almost as much as it does that of *England*, because our publick Funds are in as high Credit there as they are here; and as a *French* Merchant may place his Money in our Funds, and have the Interest remitted to him half-yearly, at a mere Trifle of Expence, the Temptation must have, in *France*, very near the same Effect it has in *England*.

As to the Question, my Lords, whether our *Turkey* Trade ought to be under any, and what Regulations, it can have nothing to do in the present Debate, because, notwithstanding the Bill now before us, the Company may make what Regulations they think fit, provided they are such as are agreeable to their Charter, that is to say, such as do not tend to the Hindrance of the Trade or Traffick of any of their Members. But I must observe, my Lords, that in this Country of Liberty, where every Man must have a fair Trial, and cannot be punished unless he be legally convicted, we ought to be much more cautious of laying any Branch of Trade under Regulations, than they have any Occasion for in *France*, where both Trials and Punishments are arbitrary. The Care or Execution of every Regulation must be trusted to some one or more Persons, and he or they will be very apt to make a Jobb of the Trust reposed in them for their own Benefit, without having the least Regard for the Benefit of the Trade for which the Regulation was made. In *France* it is very easy to discover

and punish such Practices, because Discoveries may be compelled by Torture, and a Criminal may be punished without being convicted; but in *England* it is very easy to carry on such Jobb-work, without a Man's exposing himself to the Possibility of a Conviction. For Example, if it should be enacted, that no Man should go to settle in *Turkey* as a *British* Merchant or Factor, without a Licence from the Government, or from our *Turkey* Company: If from the Government, some Officer must be appointed to grant those Licences, and he would probably in a short Time make a Jobb of it, by granting Licences to every one that would pay him such a Fee: If from the Company, the managing Directors of the Company would probably grant no Licences but to their own Friends or Relations, or to such as were willing to pay a Sum of Money for it to some of their Friends or Relations. Such Things cannot be done in *France*, because of the Arbitrariness of their Government; but such Things may be, and are daily done in *England*, because every Criminal must here be legally tried and convicted.

My Lords, we may be convinced of the Facility there is in this Country to turn every publick Trust to a private Jobb, by considering the Conduct of this very Company now under our Consideration. They were erected for the Sake of promoting and carrying on our Trade to *Turkey*; and they were impowered by their Charter to make whatever By-Laws they thought proper for that Purpose, with but one very necessary, and, I must say, very wise Proviso, that such By-Laws did not tend to the Hindrance of the Trade or Traffick of any Member. This Trust they executed very faithfully, till they had established the Trade, and brought it to a flourishing Condition, that is to say, till it became worth their While

to act otherwise; but soon after this happened to be the Case, they altered their Conduct. Some rich selfish Men amongst them having got into their Hands a Sort of absolute Management of the Company, they formed the Scheme of monopolizing the whole Trade to themselves and Friends, in order, as they themselves express it, to raise the Price both of their Exports and Imports. For this Purpose they got the Company to make the By-Law so often mentioned in this Debate, for restraining their Members from sending any Goods to *Turky*, or bringing any from thence, in any but the Ships of the Company. This By-Law had the desired Effect, and, indeed, considering the Power they had over the Company's Ships, it could hardly miss of it.

This By-Law was, as a noble Lord has already observed, expressly contrary to their Charter, and would, I am persuaded, have been annulled, even by our Courts at Law, if any private Man would have been at the Expence and Trouble of trying it with the Company. Nay, I think, it was a plain Forfeiture of their Charter; and if our Board of Trade had done their Duty, they ought to have advised their Sovereign to direct his Attorney General to bring a *Quo Warranto* against the Company, if they did not immediately repeal this By-Law; for as our Board of Trade is come in Place of a Committee of the Privy Council, it is their Duty to give his Majesty the best Advice in all Matters relating to Trade. But the managing Directors of the Company were sensible, that in this Country they might venture upon thus turning their publick Trust to a private Jobb, because they foresaw, that no private Man would engage in an expensive Law-Suit with the Company; and they supposed, what I fear is too often true, that the Board of Trade would be more concerned

about receiving and preserving their Salaries, than about doing their Duty to their King and Country.

Accordingly, my Lords, the By-Law was enacted, and a Monopoly thereby established, which has been continued for many Years, and exercised in such a Manner as to ruin our *Turky* Trade, and establish that of our most formidable Enemies, as well as Rivals, the *French*; and this without the least Notice taken of it by our Board of Trade, whose Duty it was to have crushed this Monopoly in its Infancy. Shall we trust the Recovery of this Trade to those who have so notoriously betrayed the Trust reposed in them by their Country? Shall we trust it to those who have for so many Years neglected their Duty to their Sovereign? My Lords, the Merchants of the City of *London*, and our other trading Cities, who were never concerned in the Monopoly which has ruined this Trade, are the best Judges, and the most capable of pointing out the proper Methods for recovering the Trade: You have many of them now Petitioners at your Bar: By their Advice this Bill was framed: They are of Opinion, that this is the most proper Method for recovering the Trade; and that without such a Law as this, all other Methods will be rendered ineffectual by the selfish, underhand Practices of those, who may hereafter get into their Hands the Management of the *Turky* Company; for that the Company will always be under the Management of a few of its richest Members, we may be convinced, from the Experience not only of this Company, but of all our other trading Companies, in every one of which we know how difficult it is for any Gentleman to get himself chosen a Director, unless he solicits and obtains the Favour of having his Name put into what they call the House-List. Your Lordships may, therefore, drop

drop this Bill in what Manner you please; but if you do not pass it into a Law, I may venture to prophesy, that no Merchant will ever hereafter give himself any Trouble about the Recovery of our *Turkey Trade*, and that, in a few Years, a Piece of *English Cloth* will be as great a Rarity in *Turkey*, as it is now in the Kingdom of *France*.

I have before sent you a Debate we had in our Club, upon the Question, for appointing a Committee to inquire into the Cause of the Miscarriage of his Majesty's Fleet in the Action near Toulon, which Committee having been accordingly appointed, and many Witnesses examined, the Result was an Agreement to the following Resolutions.*

Ist. That his Majesty's Fleet in the *Mediterranean*, at the Time of the Engagement, last Year, near *Toulon*, was superior in Force to the combined Fleets of *France* and *Spain*.

IId. That the Miscarriage in that Action reflects on the Honour of his Majesty's Arms, and was highly detrimental to the Common Cause, and to the Interest of these Kingdoms.

IIId. That there is Reason to apprehend, from the Evidence laid before the Committee, that the said Miscarriage was owing to a Misconduct and Misbehaviour in some of the Commanders and Officers of his Majesty's Fleet in the *Mediterranean*.

Upon these Resolutions the following Address was agreed to, viz. That an humble Address be presented to his Majesty, that he would be graciously pleased to give Directions, that Courts Martial might be held, in the most speedy and solemn Manner, to inquire into the Conduct of Admiral Matthews, Vice-

Admiral Lestock, Capt. Burris, Capt. Richard Norris, Capt. Williams, Capt. Ambrose, Capt. Frogmore, and Capt. Dilk, in, and relating to, the late Engagement between his Majesty's Fleet, and the combined Fleets of France and Spain, off Toulon; and of the Lieutenants of his Majesty's Ship the Dorsetshire, then aboard; and of all other Officers, who were, or should be, charged with any Misconduct in that Action, and to try them for the same; and that his Majesty would be pleased to appoint a proper Person or Persons to collect all the Evidence necessary for the Trials of the said several Commanders and Officers, and to prosecute them effectually; in order to bring those to condign Punishment, through whose Misconduct, it should be found, that such Discredit had been brought upon his Majesty's Arms, the Honour of the Nation sacrificed, and such an Opportunity lost of doing the most important Service to the Common Cause,

And, upon this Address, we had a Debate in our Club, in which, L. Veturius Philo, in the Character of R-b-rt V-n-r, Esq; spoke to this Effect.

*Mr. President,
S I R,*

BY the Resolutions the Committee have agreed to, and the Address now proposed, I find you are of Opinion, that you have not, as yet, a Proof clear and full enough for enabling you to condemn, or acquit any Gentleman concerned in that unfortunate Action near *Toulon*; and since you have been pleased to make your Resolutions general, I think, your Address ought to be the same; consequently, you ought not, in your Address, to mention any Man by Name, but to desire only, that his

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* See London Magazine for June last, p. 272.

Majesty would appoint a Court Martial to inquire into the Conduct of all such Commanders or Officers who are, or shall be charged with any Misconduct in that Engagement. In all Societies, Sir, a just and equal Distribution of Rewards and Punishments is absolutely necessary for the common Good, and for promoting the publick Service; and as there is nothing of greater Value to a generous Mind, than that of a good Name, we ought to be extremely careful not to do any Thing that may injure a Man's Character in the Eyes of his Countrymen, unless we have almost a full Proof of his having been guilty of some Misdemeanor. Now, I appeal to you, Sir, if every Gentleman, whose Name is mentioned in this Address, will not thereby suffer in his Character? A most powerful Squadron of our Ships of War came up with, and engaged a less powerful Squadron of the Enemy: Every Man expected, on our Side, a compleat Victory, which would, probably, have been attended with almost the utter Destruction of our Enemy's Squadron, because they had no Port near to which they could safely retire: Instead of this, it happened to be a Sort of drawn Battle, and our Enemies escaped, with very little Loss, to a distant Port. Must not every one from thence conclude, that there was Treachery, or some very great Misconduct on our Side? We appoint a Committee to inquire into this Misconduct, and after sitting many Days, and examining a Cloud of Witnesses, we conclude with an Address to his Majesty, to have such or such particular Officers, by Name, tried by a Court Martial. Is not this telling the World, that according to the Evidence laid before us, every one of these Officers so named by us, was guilty of Misconduct in that Engagement?

Sir, if we have Proof for thus blasting a Man's good Name, we

ought to go farther than that of addressing: We ought to punish as well as inquire; for, surely, we are as little tied up by the Forms of Law, as any Court Martial can be: We are, I think, as good Judges of what Punishment ought to be inflicted on the Guilty; and, I am sure, we have as much Power to punish as any Court Martial can pretend to. When I say this, Sir, I do not mean to say, that we ought to proceed to the passing of Sentence upon any of the Gentlemen whose Conduct has been under our Consideration; for the Evidence has been so contradictory, that I do not think myself warranted to condemn any Man upon such Evidence, especially as we are not obliged either to condemn or acquit; but if we do not condemn directly, we ought not to condemn by Innuendo, because a Man thereby suffers in his Character, which ought to be dearer to him than his Life.

For this Reason, Sir, I think we ought not to mention any Man by Name in our Address; and I have another Reason which is equally cogent. As the Gentlemen are to undergo a legal Trial before a Court Martial, our naming them thus particularly in our Address, may prejudice the Court against them: Nay, I do not know, if any Court Martial will venture to acquit a Man who has thus, in some Measure, been condemned by a House of Commons. If our Address had been founded upon common Fame only, a Court Martial might have acquitted an Officer, tho' particularly named in such an Address, upon its appearing by the Trial that there was no Foundation for the evil Reports which had been raised against him, because they might have supposed, that this House intended to subject him to a Trial only in Order to vindicate his Character; but when they consider, that our Address was founded upon a very narrow Scrutiny into the whole Affair, and after

after a close Examination of all the Witnesses that could be brought upon either Side of the Question, they must suppose, that we thought, we had a very strong Proof against every such Officer, otherwise we would not have proceeded so far as to name A him particularly in our Address, and thereby distinguish him, surely not much to his Honour, from all the Officers then on board that Squadron; and when the Members of a Court Martial consider this, I cannot but think, they will be shy of acquitting B absolutely any Officer that comes thus stigmatized by a House of Commons, especially when they consider how much their own Characters may suffer by such Acquittal; for as the People are, and, I hope, always will be, apt to judge favourably of C the Proceedings of this House, and as the Court Martial must consist of Officers, the People may very probably suppose, that they acquitted their Brother Officer, tho' guilty of Cowardice or Neglect of Duty, because they did not know, how soon D his Case might be their own.

These, Sir, are with me very powerful Arguments for not naming any Gentleman particularly in our Address; however I shall not, on this Account, make any Motion for an Amendment, because, as to all those E that are named in the Address, except one, I think, it is hardly possible for a Court Martial wholly to acquit any one of them. It is certainly the Duty of a Man who is honoured with the Command of any of his Majesty's Ships of War, to attack the Enemies of his Country if he can come up with them, and is in no Danger of being overpowered: This, I say, is his Duty, and on every such Occasion it is his Duty to attack as vigorously as he can. It has manifestly appeared to this House, that none of the Officers named in this Address, except one, did attack the Enemy, or at least, if they

did attack, it was at such a Distance, that there was no Danger of their receiving or doing any Harm; and from all the Evidence that has been laid before us, nothing satisfactory has appeared, that they either could not attack at a less Distance, or that they were in any Danger of being overpowered; for as to the Pretence of their keeping out of Harm's Way, because they were afraid of not being duly seconded by the other Ships in the Division they belonged to, it can never be admitted as an Excuse for an Officer's not doing his Duty. At all Times, and especially in an Engagement, every Officer is to consider only his own Duty, and that he is to perform, even tho' he should perish in the Attempt by the Failure of those who ought to assist him. If by such Failure he should perish in the Performance of his Duty, he must trust to the Justice of his Country for Revenge upon those who were the Cause of his Misfortune; and if none of the Officers concerned, or rather that should have been concerned in that Engagement, should meet with condign Punishment: If none of them should be sacrificed to the *Manes* of that brave but unfortunate Gentleman who perished in the Performance of his Duty, by others neglecting to perform theirs, his Death will lie at our Door, because we have it in our Power to prevent any Criminal's escaping condign Punishment, however powerfully he may be protected.

Therefore, Sir, tho', I think, it would be better not to name any Gentleman particularly in this Address, yet as to all of them, except one, I am very easy whether you name them or no; but as to one Gentleman named in this Address, I mean the Commander in Chief of that Squadron, I was surprized to hear his Name mentioned upon this Occasion, and much more to hear him put upon the same Footing with those that had been

been manifestly guilty of Cowardice, or of having notoriously neglected their Duty; for in the whole Course of the Evidence, I do not remember, that he has been accused of any Thing that look'd like his being guilty of either of these Crimes. On the contrary, the chief Thing he is accused of, by those whose Business it is to re-criminate, is his being too impatient for the Combat, and engaging before one of the Divisions of his Squadron could come up to close the Line. This, indeed, he is accused of, and it is imputed to him as a Crime, or at least a flagrant Piece of Misconduct; but by whom? Not by any of the Officers that have been examined as Witnesses at our Bar; but by the Gentleman who commanded that very Division, and who stands accused at our Bar, of wilfully neglecting or mistaking Orders, which was the Cause of his Division's not coming up to close the Line, before it became necessary to attack the Enemy.

Sir, if this Charge against the chief Commander had been supported by the Opinion of any other Commander or Officer in the Squadron, or if a very sufficient, and a very natural Answer had not been made to it, we might have had some Reason for putting his Name in the Black List inserted in this Address; but it stands unsupported by the Opinion of any other Officer in the Squadron, and the Hon. Gentleman has made an Answer to it that stands in Need of no Evidence for its Support, because it is supported by the Nature of Things. The Enemy were sensible that their combined Squadrons were inferior to our formidable Squadron then in the *Mediterranean*; but they knew that many of our Ships were foul, whereas theirs were all clean from the Dock. Their Intention therefore, when they failed from *Toulon*, was not certainly to engage our Squadron upon equal Terms; nor was it their Business to do so;

because their Business certainly was, to sail away, without engaging if possible, to *Cadiz*, in order to draw our Squadron in Pursuit of them out of the *Mediterranean*, that thereby the *Spaniards* might have an Opportunity to send more Forces and Supplies from *Barcelona* to *Italy*. In Execution of this Plan, as soon as they got out to Sea, they formed themselves in a Line, and in that Line they made all the Sail they could from us, well knowing, that our Squadron could not come up with them in a regular formed Line of Battle, because of the Foulness of some of our Ships; and, consequently, that they should either make their Escape untouched to *Cadiz*, or oblige our Admiral to attack them at a Disadvantage, that is to say, before he had formed his Squadron in a regular Line of Battle for that Purpose.

From the Nature of Things, therefore, Sir, it is apparent, that our Admiral was reduced to the hard Dilemma, of either allowing the Enemy to escape untouched, or of attacking them before he could get all his Ships formed in a regular Line: In this Dilemma he certainly chose the bravest Part, and, in my Opinion, the Part that was most for the Interest of his Country, as well as the Common Cause. As soon as he discovered plainly their Design, he resolved to attack them at a Disadvantage, rather than not attack them at all; and this is what the Vice-Admiral calls Rashness or Impatience. Surely, of all Men he is the last that ought to find Fault with the Admiral's Conduct; because he was the chief Cause of the Dilemma which the Admiral was reduced to; for, notwithstanding the Foulness of our Ships, some of the Enemy's Ships were, it seems, so bad Sailors, that our Admiral might have come up in Line of Battle with their Squadron, if our Vice-Admiral had, the

the Evening before, given Obedience to the Signal for closing the Line, before he gave Obedience to the Signal for bringing to, which was the Cause of his Division's being at such a Distance from the Center the next Morning; and which, if it was a Mistake, seems to me to have been a very gross one, because, I think, common Sense should have directed him to close the Line before he brought to, and that this was the Admiral's Meaning by his not hawling in the Signal for the Line before it began to grow dark.

Next Morning, Sir, when the Admiral saw his Vice-Admiral, with the Rear Division, at such a Distance from him, and before he had plainly discovered the Enemy's Design, he resolved to lie by till the latter should come up to close the Line; but when he saw the Enemy making all the Sail they could from him, he perceived the Dilemma he was reduced to, and he resolved to pursue without his Rear Division, rather than allow the Enemy to escape, hoping that if he could retard the Enemy by engaging them, his Rear-Admiral might get up Time enough to his Assistance. It was not, therefore, Rashness or Impatience, but Necessity that prevented his not lying by to wait for his Rear Division; and upon his coming up with the Enemy, the Confusion the *Spanish* Ships were in, and the great Distance most of them were at from the *French*, gave him at Opportunity of cutting them off, which he thought he could not let slip. This made him bear down upon the *Spanish* Admiral, and if he had been as well supported by all the Ships in his own Division, as he was by the *Marlborough*, he would, probably, have compleated his Design, before it had been in the Power of the *French* to tack and come to the Relief of their Friends the *Spaniards*: Nay, if all the Ships of the Van and Center Divisions of

our Squadron had acted with that Spirit and Resolution which *British* Men of War were formerly wont to do, I doubt much if the *French* would have attempted to relieve their Friends the *Spaniards*: I believe, they would have left them to our Mercy, and would have made the best Use they could of the Cleanness of their Ships, in order to save themselves.

Thus, Sir, our Admiral has given, I think, a full and a most sufficient Answer to the only Charge of any Importance that has been brought against him; and, therefore, I am surprized at its being proposed to mention him in this Address. To rank him in the same Class with those who have undoubtedly been guilty of, at least, a Neglect of Duty, is, in my Opinion, a confounding of publick Justice, and punishing one for good Behaviour, at the same Time that you are recommending others to be tried and punished for bad.

I shall grant, Sir, that your thus confounding the Innocent with the Guilty, will obviate one Objection I have made to your mentioning any Gentleman particularly by Name: Your Address, I shall admit, can no Way influence a Court Martial, when they see Officers that have behaved well, thereby put upon the same Footing with those that have behaved ill; and if I were a Friend to the Guilty, and resolved, if possible, to screen them from the Punishment they deserved, I should certainly take this Method: If I found I could not prevent their Names being particularly mentioned in the Address of this House, I should take Care to have them joined with some that evidently appeared to be innocent; but as I am not for screening the Guilty, so I am against punishing the Innocent, and as I look upon it as a Sort of Punishment, for any Man to have his Name mentioned in this Address, therefore, if you mention any, I am for mentioning none but such

such as have appeared, upon the Evidence at our Bar, to have been guilty of some Sort of Misconduct in that Engagement; consequently I must be for your leaving the Name of the chief Commander out of the Address now proposed; and as I cannot suppose, that any Gentleman here is more swayed by his personal Regard for one Man, or his personal Pique to another, than he is by his Concern for publick Justice, I hope, in this Opinion of mine, to have the Concurrence of a great Majority of this Assembly.

The next Speech I shall give was that made by Cn. Fulvius, in the Character of H—y F—x, Esq; the Purport of which was as follows, viz.

*Mr. President,
S I R,*

AS I cannot be supposed to have a more than ordinary Regard for, and much less a personal Pique to any one of the Commanders or Officers proposed to be named in this Address: As I can have upon this Occasion no Concern for any Thing but the publick Justice of this Nation, I hope, I may speak my Mind freely, without Suspicion of any By-View, or of any private Motive, either in Favour or in Prejudice of any of the Gentlemen whose Conduct has been so long under our Examination; and were I more liable to Suspicion than, I think, I am, I should speak my Mind freely, because, I think, that both the Honour and the Interest of my Country are deeply concerned in the Question now before us.

If we consider, Sir, the Reason we had for entering into this Inquiry, and the End we proposed to ourselves in examining so many Witnesses, we cannot, I think, avoid mentioning, in this Address, the Names of some of the Gentlemen concerned

in the late Engagement off *Toulon*. We may all remember the Expectations of the People last Session, when they heard that the combined Squadrons of *France* and *Spain* had been so bold as to put to Sea, and that there had been a Fight between them and our Squadron in the *Mediterranean*: We must remember the Surprize and Disappointment that appeared in every Man's Countenance, when he heard, that this Fight had ended in a drawn Battle, and that all the Enemy's Ships but one had got safe into the Ports of *Spain*, with one of our Lieutenants and above twenty of our Men Prisoners on board, as a Mark of Triumph. Our Government became at first the Object of the People's Suspicion: They supposed that our Ministers had not had proper Intelligence, or had neglected to provide our Admiral in the *Mediterranean* with sufficient Stores, or a sufficient Number of Line of Battle Ships; but when they heard that our Squadron was every Way superior to that of the Enemy, every Officer concerned in the Engagement began to be suspected of Cowardice or Misconduct, till at last, by Letters from abroad, and Rumours industriously spread here at home, the Resentment, as well as the Suspicion of the People, came to be chiefly directed against one Admiral, who, unfortunately for himself as well as his Country, was not, or could not get up Time enough to enter into the Engagement. However, as Suspicion is no Proof, the Affair remained undecided when this Session began, and our Ministers, as well as every Officer concerned in the Engagement, remained liable to the Suspicions of the People, and the Misrepresentations of their Enemies.

As we in this House are the great Inquisitors of the Nation, this, Sir, was the Reason, and it was a sufficient Reason for our inquiring into the Affair; and the End we proposed

posed to ourselves by such Inquiry was, to vindicate the Innocent, as well as to detect and punish the Guilty. Is it possible, Sir, to answer this End, without mentioning some Persons by Name in our Address? We have, indeed, removed all Manner of Suspicion from our Government or Ministers, by the Resolutions we have already come to, but we have left every Officer in that Squadron as liable to Suspicion as ever; and if we should make our Address general, without mentioning any Person by Name, they must all remain so. If this should be the Issue, I must say, we have given ourselves a great deal of Trouble to very little Purpose; for an Hour or two's Examination might have furnished us with a sufficient Foundation for all the Resolutions we have yet come to: A Witness or two, to have given us an Account of the Number and Condition of our Ships and of the Enemy's, would have been sufficient for this Purpose, and after coming to the Resolutions now agreed to, we might, without any further Examination, have resolved upon such a general Address as the Hon. Gentleman proposes. But by our Inquiry, and by the great Pains we have taken, we intended, and, I hope, we still intend, to vindicate those, against whose Conduct in that Engagement no Objection can be found, and to point out the particular Persons, whose Conduct is at least liable to Suspicion. If the Evidence had been clear and consistent, I believe, we should have proceeded to Sentence against some of the Guilty; but as it has appeared to be confused, obscure, and contradictory, we find, we cannot proceed so far; but must leave it to a Court Martial, to try those against whose Conduct any Objections have been made, because they may sift the Witnesses more closely than we can, and being acquainted with the Character of every

Witness, may more certainly judge of the Credit that is to be given to his Evidence. By this Method we shall vindicate the Characters of those, against whose Conduct no Objection has been made, and we shall leave it to a Court Martial to vindicate or condemn those, whose Conduct has been objected to.

This, Sir, is answering the End of our tedious Inquiry, as far as we can, and without this we shall answer no End at all. By this Method we cannot prejudice a Court Martial against any Man: We only inform them, that against the Conduct of such particular Persons as are mentioned in our Address, we have heard Objections made, which Objections they are to inquire into, and to acquit or condemn, according as they find those Objections supported or answered. We do not direct them to condemn, no more than we do to acquit, nor can the Members of a Court Martial, from any Expression in this Address, suppose that we do; and therefore they will be at full Liberty to acquit or condemn, as they shall see Cause from the Evidence upon the Trial. Our mentioning any Gentleman's Name in our Address, can, therefore, be of no Prejudice to him, but, on the contrary, must be of great Service, because it will furnish him with an Opportunity to vindicate his Conduct, in the fullest and most authentick Manner, against those Objections that have been made to it. For this Reason, I am surprized to hear it proposed by any Gentleman, who seems to be a Friend to the chief Commander of that Squadron, that his Name should be left out of our Address; for, I am sure, it cannot be said, that no Objection has been made to his Conduct. It is well known, that many Objections have been made to his Conduct, both within Doors and without; and tho' I do not question his being able to answer every one

of them to the Satisfaction of a Court Martial, yet, I hope, I shall be excused, when I repeat them upon this Occasion, because I think it necessary for justifying the Vote I am to give upon this Question.

In doing this, Sir, I shall, for Method's Sake, observe the Order of Time as near as I can; and according to this Method, I must begin with his Behaviour towards his Vice-Admiral, who was the Officer next under him in Command. What private Piques or Contests there might have been between them before that Time, I do not know; but I take it as a general Rule, that when two Officers happen to be joined together in one Command, they are to lay aside all old Grudges, all former Animosities, to treat one another with the Respect due to the Commission they respectively bear from his Majesty, and to unite heartily and cordially together in their Endeavours to serve their Country. Notwithstanding this, it is said, that the Admiral was so far from treating the Vice-Admiral with the Respect due to his Character, that he did not treat him with common Decency: He never consulted with him, nor asked his Advice in any Thing, and even took some Opportunities to treat him in a publick Manner with some Sort of Contempt. I shall not descend so low as to repeat the Particulars; but I must observe, that it had a very bad Effect upon the Service, as I shall afterwards make appear, because it gave the Vice-Admiral Ground to suppose, that the Commander in Chief had a Spleen against him, and watched for an Opportunity to ruin him, which of Course made him so exact in obeying Orders, and observing all the Punctilio's of Discipline, that he durst not venture to depart from them, even when by a Departure he might have done effectual Service to his Country.

The next Objection I shall take

Notice of, is, that from the Time the Admiral took upon him the Command of that Squadron, he never so much as once ordered it to be drawn up in Line of Battle, tho' he was sensible, that several, perhaps most, of the Ships were commanded by Officers who had never seen an Engagement at Sea between two numerous Squadrons; and who consequently could not be supposed, without some Practice, to be very expert at drawing up, sailing, or tacking in a Line. This too was a great Disadvantage to the publick Service, and was perhaps the Cause of the Misbehaviour of some of our Captains in the Engagement, and particularly of the Admiral's being so faintly assisted by most of the Captains in his own Division; for tho' he was not joined, during the Engagement, by the Rear Division of his Squadron, yet, by all the Accounts I have been able to collect, if every Captain in his own Division had behaved with the same Resolution the brave Capt. Cornwall did, it is highly probable, that few, if any, of the *Spanish* Squadron could have escaped being taken or destroyed; because our Admiral had four stout Ships a-stern of his Second, the *Marlborough*, and the *Spanish* Admiral had but five a-stern of his Second: Surely, the four *British* Ships might have kept the five *Spanish* Ships in Play till some of the headmost Ships of our Rear Division could have come up to their Assistance; and if the *Norfolk*, our Admiral's Second a-head, after beating the *Constant*, the *Spanish* Admiral's Second a-head, out of the Line: I say, if the *Norfolk* had upon this come up directly to the Assistance of the *Marlborough* and his own Admiral, it is, I think, hardly possible to suppose, that either the *Spanish* Admiral, or any of his Ships a-stern could have escaped being taken or destroyed, before the *French* Admiral tacked to his Relief, and at the same Time

Time we could, and certainly would have made sure of the two Ships next to him a-head, meaning the *Constant* and the *Poder*, the former of which was disabled and beat out of the Line, and the latter we actually destroyed.

Thus, Sir, if all the Captains of our Admiral's Division had behaved with that Spirit and Resolution they ought to have done, of the *twelve* Spanish Men of War we should have taken or destroyed *nine*; and in this Case, if the other *three* with the whole French Squadron had escaped with as little Damage as they did, it might have been of great Advantage to the common Cause, and to this Nation in particular; because if the Spanish Squadron had been almost entirely cut off, and the French had escaped without any, or but very little Hurt, it would have raised such a Jealousy in the Court of Spain, as might in all Likelihood have produced an open Breach with that of France, and the certain Consequence of this would have been a Peace between Spain and us, almost upon any Terms we could reasonably prescribe; which would have been the more easily accomplished, because if Spain had joined with us in an Alliance for procuring the Queen of Hungary an Equivalent from France, we might have got from her a good Settlement for the Infant Don Philip in Italy. From all which I must conclude, that the Disappointment we met with in that Engagement, was not altogether owing to the Vice-Admiral's not coming up in Time to the Battle, but in some Part to the Misbehaviour of most of the Captains in the Admiral's Division, which I have the Charity to believe, was more owing to their Ignorance than Cowardice; and this the Admiral might have prevented, had he before given Directions to have the Squadron frequently drawn up in a Line of Battle, and the Captains instructed in every Point

of what might happen to be their Duty in the Time of an Engagement.

The third Objection to the Admiral's Conduct is, Sir, his extreme Hurry and Impatience, which, if true, A was, I shall readily admit, entirely owing to his natural Courage and ardent Desire to serve his Country. These Qualities, Sir, are both in themselves highly commendable; but a Commander in Chief ought to moderate them so as not to be led by them into any rash Action, or any Hurry of Mind; for when a Man is hurried in his Mind, he can never coolly consider the various Incidents that may occur in a Day of Action. To this Hurry and Impatience of our Admiral's, his Adversaries have ascribed several unlucky Effects: First, they say, it brought the Squadron into imminent Danger of running foul of one another, as they were steering out of Hieres Bay: Next, it made the Admiral sail away in the Morning of the Day of Battle, without waiting for the Rear-Admiral's getting up to close the Line: Thirdly, it made him give the Signal to engage too early. Fourthly, it made him attack the Spanish Admiral, in their Rear Division, whereas he should have sailed up and attacked the French Admiral in the Center, by which he exposed his Van to both the Center and Van of the Enemy, and left no Room in the Line for his own Rear Division, so that had it got up in Time, it could have been of very little Service to him: And, fifthly, it made him neglect giving timely Orders to his Fireship to prime, which was the chief Cause of her blowing up too soon; and likewise, it made him neglect ordering her the proper Assistance, so that if she had not blown up, she would probably have been taken or sunk, before she could have reached the Enemy.

The fourth Objection, Sir, relates to the Admiral's Conduct towards the

the End of the Engagement, when the whole *French* Squadron, both Center and Van, was bearing down upon our Van, which was thereby in the utmost Danger of being destroyed; and yet our Admiral made no Disposition for protecting our Van, or for attacking the *French*, but hauled down the Signal to engage, and retired with such Precipitation, that he left the *Poder*, a *Spanish* Man of War we had taken in the Engagement, to be retaken by the *French*, with a Lieutenant and 23 of our Men on board, who were accordingly carried Prisoners to *Spain*.

And the fifth, and, I think, the heaviest Charge against our Admiral's Conduct is, his calling back the Vice-Admiral, on the 13th in the Morning, when he was again in Sight of the combined Squadrons, and gaining so fast upon them, that they must either have come to a second Engagement, or left all their disabled Ships, and among the rest the *Spanish* Admiral, a Prey to our Squadron. This, if not duly accounted for, was, certainly, an egregious Piece of Misconduct; because, if we could have forced the *French* to a second Engagement, we should then have been more superior in Force to them than we were in the first Day's Engagement; and if we had forced them to leave all the *Spanish* disabled Ships a Prey to us, we should then have had some Sort of Triumph to boast of, and it might have produced the good Effects I have already mentioned, by causing a Breach between the Courts of *France* and *Spain*. This Conduct in the Admiral he is the more necessarily bound to clear up, because it has been suggested, by his Enemies I suppose, that it proceeded from Spleen against the Vice-Admiral, which made him resolve to prevent his gaining any Honour, or doing any Service to his Country.

Gentlemen must thus see, Sir,

that there is not one only, but several very material Objections against the Admiral's Conduct, as well as against the Vice-Admiral's. I do not doubt of his being able to clear himself to a Court Martial: I hope, the Vice-Admiral will be able to clear himself, as well as he; and I wish that every one of our Officers may be able to clear themselves; for tho' I am as heartily sorry for the Disappointment we met with in that Engagement, as any Man in the Kingdom, I should be glad to be convinced, that it was owing merely to the Fate of War, and not to the Misconduct of any of our Officers or Commanders. But as to what I have as yet heard, either without Doors or within, I think, the Conduct of our Admiral, as well as Vice-Admiral, still remains liable to Suspicion, and therefore I am for giving them both a new Opportunity for justifying their Conduct; for as to what has been said in Justification of the Admiral's sailing up and attacking the *Spaniards* in the irregular and precipitate Manner he seems to have done, the Fact upon which that Justification wholly depends, has not been made so clear to us as I could wish: I mean, the Necessity he was under of attacking in that Manner or not at all; because the combined Squadrons could sail much faster than his Squadron, and would have sailed away from him, if he had not sailed up and attacked in the Manner he did. That the combined Squadrons either would, or could have sailed away from him, is a Fact that has been contradicted as well as affirmed; and for this, as well as some other Reasons, seems still to be dubious; for first, as to their Will, there seems to me to be some Reason to think, they came out with a Design to attack our Squadron, and that they would have attacked it, if they could have got the Advantage of having the Weather-Gage of us. When they

they first failed out of Port, and had the Wind Westerly, our Squadron being then to the Eastward of them, they immediately formed into a Line, and stood towards our Squadron, till the Westerly Wind died away, and an Easterly Wind began to prevail; and even when we got the Wind of them, they were so far from sailing away before the Wind from us, that they stood to the Southward, which seemed to be, either with a Design to wait for a Change of the Wind, or to endeavour by tacking to get between us and the Wind.

Therefore, Sir, from the Course the combined Squadrons steered, both when they came out of Port, and afterwards, they seemed more intent upon engaging us with Advantage, than upon getting away from us; and this seems to be confirmed by several other Circumstances. They neither did, nor could imagine, that our Squadron consisted of so many Ships of the Line, because two from *England* joined it but the Day before the Engagement. In the next Place, they knew their Ships were much better manned than ours, so much better, I believe, that tho' we had a greater Number of Line of Battle Ships, they had a much greater Number of Men, from whence they concluded, that if they could get the Wind of us, they would be able to get the better of us by boarding at all Adventures: And, lastly, they had along with them no less than four Fireships, which they certainly would have made great Use of, and, probably, with great Success, if they could have engaged us with the Wind in their Favour. I am, therefore, far from thinking it clear, that they intended to avoid an Engagement, and escape from us if possible; and if this did not plainly appear to be their Design, it will be difficult to justify the Admiral for not lying by, or shortening Sail, till his Rear Division could get up to close the

Line, but still more difficult to justify his attacking the *Spaniards*; for the Opportunity he thought he had of cutting them off from the *French*, cannot, in my Way of thinking, justify his laying hold of that Opportunity, when he thereby exposed his own Van to the same Fate from the *French*; and, indeed, I think, we have great Reason to thank Providence, that the *French* did not lay hold of the Opportunity our Admiral furnished them with, for attacking, and, by their Superiority, destroying the Van Division of our Squadron.

Then, Sir, as to their being able, or having it in their Power to get away from us when they pleased, because of their being able to sail in a Line of Battle much faster than our Squadron could; we have no Proof of this Fact, I think, but from Conjecture, and my Conjecture is stronger against it than for it. 'Tis true, their Ships were all clean Ships, whereas many of ours were foul; but there is a vast Difference in sailing between one Ship and another, so much that one Ship, tho' as foul as a Ship can be supposed to be, will sail faster than another Ship that is perfectly clean; and, consequently, there might be, nay, there was, probably, in the combined Squadrons, especially among the *Spaniards*, some Ships that sailed worse than the foulest or worst sailing Ship in our Squadron. Now, as the best sailing Ships in a Squadron, when it sails in Line of Battle, must wait for the worst, therefore one slow sailing Ship in a Squadron must retard the whole Squadron; and this might, very probably, be the Cause of its being impossible for the combined Squadrons to get away from us without deserting some of their worst sailing Ships, and leaving them a Prey to the Enemy. If it had been otherwise, how shall we account for our getting up with them upon the *eleventh* of *February*?

bruary? They were then fairly out at Sea, and had as fair a Wind as could blow for carrying them away to *Spain*; if what is suggested be true, that they failed three Foot to our one, might they not upon that Day have failed away from us, if they had inclined to do so? There is therefore not only a probable Conjecture, but a certain Demonstration, either that it was not in their Will, or not in their Power to fail away from us; and consequently, what our Admiral took for a Design to fail away from us, seems to have been only a Design to have got the Weather-Gage of us, by steering Southward, and then tacking to get behind our Squadron. If this was their Design, though I am no Sailor, I can see, that our Admiral's Business was to keep to the Southward as fast as the Enemy, but not to have bore down upon them till his Rear Division had closed the Line; or if he had found it necessary to begin the Attack sooner, in order to put a Stop to their Sailing, he should have ordered the headmost Ships of his Van to bear down and attack the headmost Ships of the Enemy's Van, which would have given his Rear-Admiral Time to close the Line before the Engagement could become general; for as he had the Weather-Gage of the Enemy, he had the Advantage of being able to begin the Attack when he pleased, or to delay it as long as he pleased, because he could bear down upon them, but they could not easily bear up to him.

Notwithstanding what I have said, Sir, I am far from taking upon me to judge of our Admiral's Conduct. I believe, no one doubts of his Courage, or of his behaving like a brave and resolute Captain; but there is a wide Difference between fighting a Ship and conducting a Squadron. The Question is not about fighting his Ship; for that was the Captain's

Business who commanded under him. The Question is, Whether he behaved like a wise and experienced Commander of a numerous Squadron; and in this, I must confess, I have still some Doubts. My Doubts may possibly be owing to my Ignorance in naval Affairs; but as I know that there are many in this Nation who have the same Doubts with me, I am, for the Sake of his own Character, for recommending him to be try'd by those who are the most competent Judges of such Affairs, and to their Judgment I shall be ready to submit.

Sir, if we were to recommend none to be try'd by a Court Martial, but such as have not given so much as a plausible Answer to the Objections that have been made to their Conduct, we could recommend none, no not so much as a subaltern Officer of that Squadron: I am sure, we could recommend none of the Admirals; for as to the Rear-Admiral, there has not been so much as one Objection made to his Conduct; and as to the Vice-Admiral, there has really been but one Objection made to his Conduct, during the whole Time of his being last in the *Mediterranean*, which he has not, in my Opinion, fully answered. When I say this, I believe, every Gentleman supposes I mean, his obeying the Admiral's Night-Signal on the 10th, for bringing to, before he had fully comply'd with his Day-Signal for drawing into a Line; and to determine, whether his Answer to this Objection be sufficient or not, requires, I think, more Knowledge in the Affairs of our Navy than I or most that hear me can pretend to.

However, Sir, that you may have the Answer as well as the Objection at the same Time before you, I shall repeat what the Vice-Admiral says upon this Head. He says, that as it was then dark, he could not see whether the Admiral had the Signal for

for the Line out or no; and as the Admiral had appointed no Night-Signal for the Line, he thought himself obliged to give immediate Obedience to the last and the only Signal he could have any Knowledge of, especially as he was to the Windward, and consequently was by the Signal to be the first to bring to. If the Admiral had designed that he should close the Line before he brought to, in pursuance of the last Signal, the Vice-Admiral says, he expected that the Admiral would have sent him a Boat with particular Instructions for that Purpose, especially as he had appointed no Night-Signal for the Line, and knew that he, the Vice-Admiral, had not near closed the Line when it began to grow dark.

Now, Sir, whether the Vice-Admiral was in the wrong, to expect any such particular Instructions, or the Admiral in not sending them, is what I shall not take upon me to determine; but I must observe, that according to exact Discipline, the Vice-Admiral was certainly obliged to obey the last Signal; and if common Sense directed otherwise, he was prevented from making use of his common Sense by the harsh Treatment he had previously met with, and the Jealousy he had therefrom conceived, that his Admiral had a Pique against him, and would ruin him if he should find him guilty of the least Disobedience to Orders or Neglect of Duty. If there had been such a Harmony between the Admiral and him as ought to subsist between two Commanders, joined together in the same Command for the Service of their Country, the Vice-Admiral with his Division would probably have ventured to continue sailing up to close the Line, notwithstanding the Night Signal for bringing to, and notwithstanding his being to the Windward, and consequently by that Signal directed to be the first to bring to. In

this Respect therefore we may see, as I have before observed, that the bad Treatment the Vice-Admiral had all along met with from his Admiral, was of great Prejudice to the publick Service, and I shall immediately shew, that it was probably of equal Prejudice to the publick Service in another Respect.

I have no Occasion, I think, Sir, to take Notice of the Objection made to the Vice-Admiral's Conduct with Regard to his not endeavouring all he could to close the Line on the Day of Battle in the Morning; because it has been fully proved, that as soon as he could see in the Morning, he put his Division under Sail for that Purpose, even before the Admiral had made the Signal for the Fleet to make Sail; and it has been likewise fully proved, that he made all the Sail he could, having every Sail set that could draw, when the Admiral's Lieutenant came on board, with Orders for him to make more Sail. This Objection therefore the Vice-Admiral has fully answered; and the only other Objection I can remember, he has likewise, in my Opinion, fully answered. The Objection is this, that he did not detach some of the best sailing Ships of his Division to the Assistance of the Admiral, when he saw, that some of the Ships of the Center Division did not do their Duty, and that the Admiral with his Second a-stern, the *Marlborough*, were thereby in Danger of being overpowered. His Answer to this is, that considering how Matters stood between the Admiral and him, he could not venture to break the Line, or alter the Disposition which the Admiral had appointed, without express Orders from him, especially as the Admiral had refused to communicate any of his Designs to him, or to give him any particular Instructions relating to his Conduct, in Case of an Engagement; tho' he had waited upon him for

for that Purpose as soon as they had Sight of the Enemy: This is certainly a sufficient Answer, and another Proof how much the publick Service suffered by the Admiral's haughty Behaviour towards the Gentleman who was next to him in Command. But besides this, the Vice-Admiral has answered, that he had Reason to think the Rear-Admiral, with his whole Division, in much greater Danger than the Admiral, and they certainly would have been so, if the *French* had made the proper Use of the Opportunity which the Admiral had thrown in their Way, for cutting off the whole Van Division of our Squadron; so that he expected Orders every Moment, to detach the best sailing Ships of his Division to the Assistance of the Rear-Admiral; and if some of the Captains of the Admiral's Division did not do their Duty, it was not in his Power to correct their Neglect, nor was it his Business without Orders to supply their Defect; it was in the Admiral's Power, and it was his Business to have sent his Lieutenants on board, to take upon them the Command of the Ships, and to confine the respective Captains that appeared to be deficient in their Duty.

Thus, Sir, if we were to insert in our Address the Name of no Commander or Officer, but such as had not made so much as a plausible Answer to the Objections made to their Conduct; we have less Reason to insert the Name of the Vice-Admiral than that of the Admiral; and, really, when I consider the Objections made to the Vice-Admiral's Conduct, as every one of them seems to me to proceed from an over-scrupulous Regard to the Rules of naval military Discipline, I must think, that the Admiral took rather too much upon him, when he suspended him, and sent him home in so ignominious a Manner. It was making him the Scape-Goat of the whole Squadron,

when, in my Opinion, there were several others much more to blame than he. As the Admiral could not well suppose, that the combined Squadrons would soon again put to Sea, or that either the *French* or *Spaniards* would be in any Haste to give him an Opportunity to engage them a second Time, the Continuance of the Vice-Admiral in Command, could be of no Prejudice to him or the publick Service, therefore I cannot but think, that it would have been a little more consistent with Modesty in the Admiral, to have sent home a full and fair Representation of the whole Affair, to have given the Vice-Admiral an Opportunity of sending home at the same Time a Justification of his Conduct, and then to have waited for his Majesty's Directions as to his future Behaviour towards his Vice-Admiral; and this Conduct he was the more obliged to observe, because it was known thro' the whole Fleet, that from the Time of his first taking the Command upon him, he had shewn a Sort of Grudge against the Vice-Admiral.

I shall be far from saying, Sir, that the Suspending of the Vice-Admiral, and the Acquitting of all the Captains that seemed to have been deficient in their Duty, proceeded chiefly from this Grudge which the Admiral had against him; but when we consider, that it deprived him of his Share of all future Prizes, as well as of his Character, many will be apt to say, that the Admiral would not have been so precipitate in his Sentence against the Commander, if he had not had an old Grudge against the Man. This, I say, may, perhaps, be suggested by many; for surely no one will suppose, that the Admiral had any avaritious View in what he did, or that he was the more quick in sentencing the Vice-Admiral, that he himself might have a greater Share of the Prizes, which should happen to be taken

taken after the Vice-Admiral's Suspension. Much less, I hope, will any one say, that the Admiral was conscious of his own Misconduct, and that he suspended the Vice-Admiral, on Purpose, that he might thereby load him with the Blame of letting the combined Squadrons escape with so little Loss out of his Hands, after having got such an Opportunity of entirely destroying them.

But, Sir, tho' I do not suppose, that any one will suggest this as the chief Cause of the Suspension; yet, I think, it ought to be a Reason for the Admiral's desiring to have his Conduct, as well as his Vice-Admiral's, inquired into by a Court Martial, because it will not only remove this Suspicion, but it will give him a fresh Opportunity for shewing, that his Conduct was altogether blameless; and the more blameless his Conduct appears to be, the more blameable will that of his Vice-Admiral appear to be, consequently the more justified will he be in suspending him, and

sending him home in such an ignominious Manner. For this Reason, as well as many others, I wonder to hear it proposed by any Gentleman who pretends to be a Friend to the Admiral, that his Name should be left out of our Address. If we should do so, I am persuaded, he would petition his Majesty to have his Conduct examined into by a Court Martial, in order to free himself from the Suspicion he must remain loaded with by the general Resolutions we have already agreed to, more especially as we have passed no Vote in his Favour, nor come to any Resolution for justifying his Conduct. We shall therefore do him a Kindness by recommending him to be tried by a Court Martial; and for this Reason, I hope, your Address will be allowed to stand as it is.

[This DEBATE and JOURNAL to be continued in our MAGAZINE for January.]

The PRICES of STOCKS, at the Beginning, Middle and End of each Month in the Year 1745.

	January			February			March			April			May			June		
Bank Stock	145	to	144	145 to	145	181	146	to	146	146	148	145	146	185	146	147		
India Ditto	182	178	182	180	179	181	182	181	182	184	184	187	184	187	186	185		
S. Sea Ditto	109	108	111	109	106	110	106	107	108	109	109	109	109	109	109	109		
S. Sea Old An.	111	108	110	109	110	110	110	109	109	111	111	109	109	110	110	111	111	111
S. Sea New An.	110	108	108	108	109	109	109	108	109	110	110	109	109	111	111	111	111	111
3 per Cent. An.	93	88	—	88	89	88	88	89	88	91	91	92	94	93	93	92	—	—
Mill. Bank	116	—	—	115	114	—	115	—	—	113	113	114	—	—	114	—	—	—
Equivalent	110	108	—	108	—	—	110	—	—	—	—	—	84	84	84	85	84	84
Royal Aff. 100	89	87	—	87	—	—	84	85	—	—	—	—	—	—	—	—	—	—
L. Aff. 12l. 10s. pd. in	11	11	—	11	11	—	11	11	—	11	11	11	11	11	11	11	11	11
India Bonds	102	5	100	19s	14	12	113	17	119	118	115	117	115	119	118	117	117	117

	July			August			September			October			November			December		
Bank Stock	146	147	147	144	144	144	143	44	42	38	38	138	134	134	133	30	25	25
India Ditto	184	85	85	178	79	79	177	75	71	66	66	168	68	68	168	65	62	62
S. Sea Ditto	109	8	8	107	3	3	104	2	100	95	95	97	7	7	97	91	91	91
S. Sea Old An.	111	10	10	110	8	8	109	8	101	105	105	105	2	2	103	98	101	101
S. Sea New An.	111	10	10	108	6	6	107	5	6	105	105	105	3	3	103	99	96	96
3 per Cent. An.	92	89	89	89	86	86	88	87	84	83	83	86	84	84	83	82	80	80
Mill. Bank	114	115	115	115	—	—	115	—	—	113	113	113	—	—	113	110	—	—
Equivalent	110	108	108	110	—	—	110	—	—	—	—	110	104	104	104	104	79	79
Royal Aff. 100	84	82	82	82	—	—	82	—	—	79	79	79	—	—	79	79	10	10
L. Aff. 12l. 10s. pd. in	11	11	11	11	11	11	11	10	10	10	10	10	10	10	10	10	10	10
India Bonds	117	8	8	113	13	13	113	12	12	110	110	110	114	114	118	118	51	51

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